

MINUTES OF MEETING
DAGSBORO TOWN COUNCIL
BETHEL CENTER – 28307 CLAYTON STREET
MONDAY – APRIL 22, 2013

The meeting of the Town Council was called to order by Patti Adams, Mayor. Those in attendance in addition to Mayor Adams were Stacey Long, Town Administrator; Rob Witsil, Town Attorney; Vice Mayor Truitt, Councilman Connor, Councilwoman Flowers, Councilman Hansken and others listed on the sign in sheet.

Presentation: Michael Zajic, President of the Southern Delaware Botanic Garden: Mr. Zajic, began the presentation on what will be the largest most diverse Botanic Garden in the State of Delaware 3 to 4 times larger than Longwood Gardens in Wilmington. The Botanic Garden will be located on the Sussex County Land Trust property, on Piney Neck Road, just three quarters of a mile outside the town limits. President of the Botanical Society, Doug Berry, a professional engineer, expounded on the details of the Non-Profit organization, that would be called the Delaware Botanic Garden at Pepper Creek. The many facets of the project would include natural beautification, wildlife habitat enhancements, conservation, education and preservation of endangered species of plants, wildlife and birds. There would also be a positive impact made to the environment through the abundance of excess oxygen into the atmosphere from the plantings. The project would consist of 3 Phases, the first being ground breaking, berm construction, and fencing. Phase 2 would include forest restoration, with Phase 3 being the venue for clubs, classes, research and community uses. The funds for the different phases would be provided through grants and private funds and the Site being funded as part of the Sussex County Land Tract. The funds for the operation of the project would become self-generating, when the project was completed. The design concept is one that is compatible, durable, complimentary, beautiful and low profile. There have been several architects in the state, who have said they will do the project at no cost, just to be connected to the project, as there are typically only 2 or 3 new botanical gardens created every hundred years. The timeline for the project until full completion is 10 years, with the start of fund raising in 2013, as soon as the approval is received from Planning and Zoning. The other permits from DelDOT, engineers, and conservation groups will begin after the approval is received. The project could become operational on a weekend basis in 2014 and full time in 2016. There would be positive economic growth for the community, 50 to 100 jobs, 3 million dollars in business contracts during construction, and the Tourism Department projects the potential for yearly revenue of 27 million dollars, when the project is complete. The surrounding area also has the potential to increase in property value, due to the location of the project. The next step is to make Press Releases to the surrounding areas and have Public meetings to inform the community of what is happening and maybe the Town would also have a place for it on their Website. The Mayor was concerned in regards to the traffic impact, and in January of 2013 DelDot said there was no study required at this time, but before the project became operational, the road would be widened and

shoulders would be added. The project would be the equivalent of a 50-100 home sub-division. The Mayor thanked the members of the Society for the presentation and attendance.

Planning & Zoning Report:

1. Consideration of Preliminary Site Plan Approval for Pepper Creek Crossing. The P&Z recommended that due to lengthy delays regarding the tax ditch issue between the developer and the county, evidence must be shown regarding the resolution of this matter. Until this is done the Commission is not willing to make any further concessions on this matter until a resolution, plan of action and documentation of such has been reached. At that point depending upon the resolution we will either approve the existing plan or begin review of a new proposal. At this time there is no need for any action or recommendation.
2. Discussion of sunseting timeline provisions for preliminary approval for subdivision and site plan projects (275-40B (4)(a)&(b)). After a review of other town's guidelines and requirements, the commission did not feel it was necessary to change any provisions and keep them as they are.

Motion made by Councilman Connor and seconded by Councilwoman Flowers to accept the recommendations of the P&Z. All in favor. Motion carried.

New Business:

1. Consideration of request for adding outdoor sales as a permitted use in the Town Center Zoning District. A letter was received from the Germann's requesting permission to sell handmade crafts in the parking lot of Dagsboro Paint and Wallpaper from May 1 through November 30. Stacey explained the circumstance that must be met before this could be done, a Site plan would be required showing vendor location and parking. A Public hearing is needed before the ordinance could be adopted after it has been sent to the P&Z Commission on May 8, for their recommendation. Motion made by Councilman Connor and seconded by Councilman Hansken to send this item to P & Z and to schedule the Public Hearing for selling handmade crafts outdoors on May 20, 2013. It would be necessary for the vendor to obtain a business license with the Town, if this amendment is approved.
2. Discussions and possible action on payment plan for water impact fee and unpaid water balance that was agreed upon April 2011. Stacey presented info to council regarding the status of payment plans for the Water Impact Fees. There is 1 individual who has paid nothing toward the outstanding balance of water fees and only 6 payments toward the impact fees. The individual claims no income and financial hardship due to little or no employment. The payment plan was for \$120 a month for 6 years. After much discussion by council it was decided to post the property and send 1st class letter to property owner requiring minimum of \$2160.00 which is the amount of past due on the agreement for Water Impact Fees, or the service is turned off. If that is not received by a specific date, then we will require the full amount to be paid or the service will be shut off. If no payment is made as mentioned above we go to court and file a lien against the property. Attorney Witsil quoted Code section 270-9a regarding disconnect options

Old Business:

1. Review and possible consideration of proposed Cable TV franchise agreement. Attorney Witsil stated that he had received confirmation from Mediacom on the areas of dispute 1 being the issue of future trenching Sec3.7 that if any other provider should open trenching for the purpose of burying lines that they would move their lines at the same time. The issue of insurance in Section 6.1 was also satisfied with \$1 million dollars to be carried by Mediacom for property damage, and with these issues now satisfied he feels it is OK to accept the agreement. Motion made by Councilman Connor and seconded by Councilwoman Flowers. All in favor. Motion carried.
2. Legal update on complaint against Zachary King of 33225 Main Street for property maintenance and repairs. Stacey gave an update of the progress of the property. Exterior inspection was made on March 15th in compliance to the February 28th order, an interior inspection was made on March 21st, a preliminary report with 38 pages of violations was received on April 8th, the same day that a fire broke out inside the structure. The electric meter was removed by the fire department as a result of that fire. URS reported that the Fire Marshall closed the case and reported it as an appliance fire and currently there is not electric hooked up to the house. There was another Exterior inspection on April 15th to inspect the damage from the fire and we are waiting the report from that inspection as well as the other final reports. Attorney Witsil stated that the next should be "CONDEMNATION" either voluntary by the property owner or involuntary from the Town, either way the structure is not safe for human occupation. Regardless of the interior condition, the structures exterior must still be brought up to the minimal requirements defined by the Town's code in order to avert a Demolition order. At the present time the structure is still occupied. The property owner is willing to fix the exterior enough to bring it up to code standards and let the interior remain as it is without occupation, as long as the outside is repaired adequately. At this time there needs to be another meeting scheduled with the owner to revise the terms of the consent order.

Approval of Minutes: Motion by Councilman Connor and seconded by Councilman Hansken to accept minutes of March 25, 2013. All in favor. Motion carried.

Reports:

Treasurer's: Stacey reported balances as of April 18, 2013 for the following: General Fund \$6,870.20, Public Service Impact \$5,666.66, Payroll \$23,554.88, Police Department \$4,885.03, Property Transfer \$7,950.75, CD's \$27,818.06, \$96,738.25, \$5,091.38 MSA Checking and Savings \$2,931.76, which is not enough to carry us through to the end of the fiscal year as we pay approximately \$2,500 a month for utilities, General funds will have to pick up the balance until the next disbursement is received. The last disbursement was in August of last year and \$3900 of that is restricted to road repairs. We won't receive another disbursement until this August. PGC checking \$683.64, savings \$5,362.92, and 3 CD's of \$32,693.51, \$44,672.84 and \$31,721.74 Salle \$6,883.36, and Water checking \$45,137.29, Impact fees \$169,269.70 and Reserve \$34,634.02 Check detail for all funds was also provided. Motion made

by Councilwoman Flowers and seconded by Councilman Connor to accept the Treasurer's Report. All in favor. Motion carried.

Police Department: Sgt. Litten presented the Statistical Report for review of January and February. Increase in Traffic citations due to evaluation of new officers and more time on patrol by Sgt. Litten after handling administrative affairs. Both the Lidar and the extra patrolman are in place. Carl Kurten is the new addition to the Department and we are looking forward to seeing the fruits of these expenses. Officer David Ober and his K-9 Ary are back to work after the birth of Ober's daughter and all are doing well. The camera reimbursement has been received and the transportation reimbursements for David during training are forthcoming.

Administrator A settlement has finally been received from the Mills Subdivision for the bills from URS for the town for several reviews. The full amount was \$4,029.94 and the amount we actually received was \$2,734.17. In September of 2012 DelDOT did a traffic study on Clayton Street for a crosswalk in the area of the church as some people felt that crossing the street was not safe. Following the study, pedestrian crosswalk signs were recommended by the State, 2 signs are up, one in each direction, and maintenance of these signs is the Town's responsibility.

Code Enforcement: A letter was sent to the owner of the Super Clean property regarding the changes in the town's code for outside sales, as the Spring and Summer season are fast approaching and they have several vendors who use the property for weekend sales and they must follow procedures prior to the beginning of this year's season.

A letter has been drafted and sent to Attorney Witsil regarding the hazardous sidewalk situation in different parts of town. Section 30 of the code states that the town can request the property owner to repair the sidewalk if it is found necessary and if the work is not done, the town can then have the work done at the expense of the owner. There are new ADA requirements for sidewalks and with the future plans for the Streetscape project to look at as well, should we look at this more before deciding on a course of action. Hazard Street is a separate issue but, we need to look into this more before moving ahead. Stacey will have a list of properties with hazardous sidewalks for the next meeting for council to take action. Stacey brought up the issue that there are several places in the Code where references do not cross match. 1 is 238-12 and 275-40ab, the first refers to sunsetting and Section 275-9 regarding fees is current where section 118-20 is out dated and not accurate. Attorney Witsil will review these areas and make the necessary amendments to the Code.

Building Official 3 permits have been issued, 1 for a 2 story addition on Vines Creek Road, 1 for the renewal of a demolition permit for the Hearn/Bireley property on Main Street with a 3 month extension, 1 for the fit out of a 3 unit business, Mr. Bananas Bar & Grill in the Savannah Square Shopping Center on Rt 113, 1 certificate of compliance for a deck on Piney Neck Road.

Prince George's Cemetery There will be a meeting of the Prince George's Cemetery Committee on Saturday, May 18, 2013 at pm at the Town Hall. The Mayor mentioned that we have had persons go out to investigate the parking situation and also reviewed graves with ground radar and found a possible vault that was partially open, just a hole with no bones visible. The opening needs to be

repaired. Mr. Lloyd of Lloyd's Memorials doesn't feel that it is a grave due to the location and positioning of the site in question. The cemetery committee will make a recommendation at their meeting.

Water Distribution System Another letter has been sent to Chapel Crossing informing them of the requirements for the QUICKCONNECTS on their hydrants, they still have not met the requirements. The Woodlands have completed the installation and is in compliance with quick connects. The water discrepancy issue continues to vary from month to month but a year's analysis reports 5% of unaccounted for water. The readings for April have not been done yet so we still do not have a complete year to compare but will at the next meeting. We have come down from 17% in January to 5% in March and it looks very promising. Accuracy has been achieved with the change in meters at Cea-Dag and also at the Interconnect. The radio read meter at the Interconnect is still not working but BRS continues to work on it and the groundwater seepage continues regardless of weather conditions.

Correspondence A letter was sent to the Bireley/Hearn property informing them of the 3 month extension for demolition.

Adjournment: Motion made by Councilman Connor and seconded by Councilman Hansen to adjourn. All in favor. Motion carried. Meeting adjourned at 9:55 p.m.

Respectfully Submitted,

Duane R. Kenton

Town Clerk